THE THIRD STEP OF A Nonconformist,

For Recovery of the

Use of his Ministry.

WITH

Some Occasional Notice taken of the Judgment and Decree of the *University of Oxford*, past in their Convocation, *July* 21. 1683.

By one of the Followers of Peace, and Lovers of Impartiality. [i.e. John Humfrey]

Probitas laudatur & alget. Ju.

LONDON,

Printed for *Tho. Parkhurst* at the *Bible* and *Three Crowns*, the lower end of *Cheapside*. 1684.

TRINITY COLLEGE
LIBRARY
CAMBRIDGE

The Third Step.

THE Year *Eighty Two* preſenting ſome riſe to the Nonconformiſt for new thoughts about their returning into the Vineyard, upon the Expiration of one Clauſe in the *Subſcription* required by the *Act for Uniformity*, which was of deepeſt Reſentment to many, and the greateſt cauſe of their Ejection, it ſeemed reaſonable to me to apply my ſelf to the Biſhop of the Dioceſs upon that Errand. It was not for any *Preferment* that I ſeek, (for I am not like to *Conform* ſo far) but it was for a *Liberty* only of *Preaching* without *Moleſtation*, as without *Emolument*, which is in effect for the licenſe only of exerciſing a piece of *Self-denial*, in coming out of a ſtate of *quiet* and *eaſe*, into a ſtate of *work*, of *care*, of *cenſure*, that if it ſo pleaſe God, I might yet be ſome way ſerviceable to my Generation, and my Old Age not altogether unprofitable. Unto this end I Printed lately four or five Sheets, entituling them, *Two Steps in order hereunto*, appointing my

Bookſeller, as ſoon as they were done, to ſend them to the Biſhop and Archbiſhop, with a Letter from me to both, the Contents whereof were, humbly to crave their *pardon* for my ſending thoſe Sheets, and their *leave* to wait on them after due time of readding, to know their pleaſure, ſignifying my unwillingneſs to ſurpriſe them, but that they might conſider beforehand, and if it were good for them, to *deny* or *grant* my requeſt at *firſt hearing*, it would be good to do the ſame *after deliberation*.

I ſtay'd ten days or thereabout, and then went my ſelf to both in perſon; I found no pride, and no offence, but all the civility, that becomes the gravity, candour, and dignity of ſuch perſons: but I found they had not read my Sheets, ſo as either to have underſtood what I ſought, or conſidered whether it could be granted. Upon this I ſpared not to write again to both, for the informing them in *ſhort*, and yet in *full*, what it was I deſired, and I went again alſo to one of them, thinking to have ſpoke with him, but he ſent me back word, I muſt come another time, he was then buſie. Whether this Meſſage by his Servant did ſignifie his unwillingneſs to be preſſed any further, or that I ſhould indeed take a better opportunity when he had more leiſure, I am in doubt: but for the prevention of the fruſtrating an endeavour of this kind (if it may be conſcionably effected)

I do

I do upon this further pauſe judge it expedient, (if not neceſſary) to add a *Third* Step to my *Two* former, before I go to any Biſhop more in this matter. For having by my ſelf and friends made ſome tryal of the Inclinations of more than theſe two of them, I am induced to a recollection upon the whole Deſign, and to ſet my ſelf, if it be poſſible, to come yet to a cloſer point with them than I have already about the ſame.

It is not (I know) for any Chriſtian to judge of anothers *Conſcience*, which is known only to a man's own ſelf and God; and much leſs is he to make *his* Judgment the ſtandard or meaſure to *another* mans. *Conſcience* in this caſe is nothing elſe but the inward Judgment of a mans Soul, whether ſuch a thing be lawful for him to do in the ſight of God, or agreeable to God's will, or not. Every conſiderate man knows here his own *Latitude*, and after many a day and years laying the thing to heart, I will, if I can, tell you *Mine* in this Caſe.

The Rule I lay down in ſubmitting to, or refuſing any Impoſition of men, is this. *We muſt ſit down and conſider what we believe to be the meaning of the Law-givers, and if we can ſubmit to it in that ſenſe or meaning which we believe theirs, we muſt do it: but if we believe their ſenſe to be ſuch as we cannot take it in that ſenſe, we muſt forbear it, and ſuffer.* See the Book entituled, *A*

Peaceable Resolution of Conscience touching our present Impositions, and the Margin of the *Sheriffs Case*, where that Book is cited. The bottom is this; The *Law* is the *Will* of the *Law-giver*, and it is the Law-givers *Meaning* is his *Will*, which you will also find in them *both*.

By the way here I cannot but take notice of the *Seventeenth Proposition*, which is condemned in the late *Decree* of the *University* of *Oxford*, *July* 21. 1683. *An Oath obligeth not in the sense of the Imposer, but the Takers*, for which they quote and condemn the *Sheriffs Case*, when the Position or *Rule*, that all *Impositions of our Superiours must be taken in the sense and meaning of those that Impose them*, is the foundation of that whole *Determination*. These expres words are laid down in the beginning of it, and that they may be observ'd, there is this Note in the Margin: *To this Rule there is a double extream; The one is of those who think a man must take every Imposition in the strict literal Construction, and can submit to it no otherwise: The other is of such who suppose that if a man can frame any Interpretation of his own that is but reasonable, he may take the words in that sense, and be satisfied. The first of these is so rigid, that there is nothing to be Imposed, but we shall strain at it; and the last so loose, that nothing can be Imposed but we shall swallow it.* Then is the *true Medium* offered there, which you have here recited before. If you ask now

farther

farther who this *one* and the *other* yet be, I will tell you. In the firſt Extream are moſt of the *Nonconformiſts*: in the laſt are thoſe of the *Conformiſts*, which we uſed to call *Latitudinarians*. The name roſe up about the Uniformity Act, and this is the reaſon of it. A *Latitudinarian* is one that is, or was, againſt the *Impoſition* of indifferent things that ſtumble people, as well as the *Nonconformiſt*, but he is for the *Submiſsion*. And this I ſay is the reaſon becauſe of his *Latitude* in the *Interpretation*. There was an excellent perſon, eminent in Learning, and of an incomparable Temper, now with God, the Reverend Dr. *Whiſcot*, (the Father of this ſort of men) who was ſeveral times diſcourſing with me, and maintaining the latter Opinion, being liberally ready to affirm, that a man might defend his *Living* with a *Rational Conſtruction* of an Impoſition by his *Wit*, as he might his *Purſe* by his *Sword*; but I was alwaies for holding him to the *Meaning of the Law-giver*. I have been ſorry methinks very much, that this ſuperlative worthy man is not yet alive, that I might talk with him about this *Decree* at *Oxford*, that hath here given Judgment for me againſt him in the buſineſs, whom I would have had convinced really in Conſcience, becauſe that Opinion of his was not to be held, and I thought he did hurt others in holding it; and I do therefore heartily thank the *Univerſity* that they

have

have pickt up this *Seventeenth Propoſition* into their *Decree*, and condemned it, being a Tenent of ill conſequence, when *Declarations* and *Oaths* ſhall hereby be rendred but as ſo many *Cobwebs*, which may intangle a *weak Judgment*; but thoſe that have *Wit* ſhall break through them, and the Magiſtrate ſhall have no hold-faſt on any. Nevertheleſs, I thank not the Univerſity for gathering this Propoſition from the *Sheriffs caſe*, which profeſſeth the clean contrary as they do. And if any ſuch Tenent therefore could be deduced from any occaſional paſſage thereof *by conſequence* (or Logick,) ſo long as the Deſign and whole ſcope of it does bend *de induſtria* to the oppoſite thereunto, *ſuch a Decree as affixes to a Book that Propoſition, againſt which it expreſly declared, and then to burn the Book for it* (if I may uſe the words of no leſs than a Biſhop who had read both the *Decree* and *Caſe*) *muſt be very iniquitous.* I put it in theſe very words, becauſe they are anothers, and he ſpake them not (I will ſuppoſe) in diſhonour to the *Univerſity*, but the rather becauſe he was told, it is ſome other Book they meant under the Title of the *Sheriffs caſe*, and not this which I ſpeak of, and own, as propoſing the ſame *Doctrine* which they do, and condemning the ſame *Propoſition.*

To return, if upon mature conſideration, according to this Rule, I am perſuaded that the meaning

ing of the Parliament who impoſed the *Declaration* which is to be ſubſcribed by me, if I go on, was no more than I have tendred in the Explication of my former Sheets, then do I not need to be beholding to any Biſhop, who can give my ſelf the favour of *Subſcribing*, and ſo require his *Certificate* of courſe: But if indeed (do what I can) I find my mind ſtill in ſome doubt, I muſt on neceſſity think farther.

It was ſome years before I could tell how to ſubſcribe that *Declaration* at all (eſpecially as it was clogg'd till *Eighty two*) with any *Explication*. When I came to think on an *Explication*, it was a good while longer before I could be ſatisfied how to do it, unleſs I might put my Explication to the words of the *Declaration*, and ſo ſet my hand to both together. I endeavoured therefore, and made tryal, whether I might have leave to do ſo, but could not obtain it. I acknowledge the candid ingenuity, and courteous good will of the *Dioceſan*, but he made higher inquiſition. I bethought my ſelf hereupon of a leſs Requeſt, that if I might by the Biſhops conſent be but permitted to write theſe words [*According to a Paper given into the Biſhop I ſubſcribe*] in the Regiſters Book (as in the former Sheets,) it appeared to me in effect all one as to ſet my name to the words of the *Declaration* with my Explication, ſo long as ſuch a Paper was given in to him. I have not been want-

ing;

ing therefore to try again with more than one Bishop, whether so little a favour as this might be obtained, and I have intimated my success, so that the *Condescension* that a man may reasonably expect (without a *Parliament*) from any *Bishop*, to trust to it, is like to come to this, *to grant what the Law allows*, if some of them will yet do that.

Here are *Two* Steps then I have made, and the *Third* I am to get up. I cannot subscribe *without* an *Explication*, but I can subscribe *with* one. That was the First Step. If I subscribe with an Explication, it is necessary that *I* declare my Explication, but it is not necessary that my Explication and the words *I* subscribe be put together in one Paper, or in the *Registers* Book. If it be *signified* that *I* do it with an Explication, it is as well, and in effect the same thing. This was the Second Step. If *I* may not *signifie* this in the Registers Book, *I* come now to consider if *I* publish it in Print, and so *notifie* it both to *Bishop*, *Register*, and all the *World*, whether this really be not as well also, as if *I* were suffered to do so, and that *for the substance*, which will go to the heart of all my scruples. And if in the upshot this will serve, there is none can hinder me this *Last* Step, for *I* land methinks here upon my *right* (or upon Law) when my standing was but *precarious* before.

Well! I do consider in the *Sheriffs Case*, to what Reso-

Reſolution (or Latitude) the Author of that Paper came about the *Oxford Oath*. Let us ſuppoſe a man convinced that the Interpretation offered in regard to the *Oath*, and in regard to this *Declaration* is probably the very meaning of the *Law-giver*, but he is not perſuaded beyond all doubt, and he would have ſomething for his relief in regard to that doubt. For an alleviation to this man, there is this paſſage in that *Caſe*. *If a man is perſuaded in his Conſcience, the meaning of the Law-giver was no more than thus, he may ſubmit, and make no ſtand; but if he believes their meaning was otherwiſe (or doubts that it was more than thus) he cannot ſwear or ſubſcribe but with limitations, and he muſt declare thoſe limitations, or forbear. But if he ſhall ſwear or ſubſcribe (ſuppoſing him one that doubts) with making a declaration that he does it in this meaning ſuppoſing it the ſenſe of the Law-giver, and with theſe Explanatory Limitations to their meaning if in any thing indeed it be otherwiſe*, if the Juſtices admit him to the *Oath* after this Declaration (for whether they admit the *ſenſe* or not, it is no matter, becauſe they have no power in it) *we are perſuaded* (ſays that Paper) *that his Conſcience may receive ſatisfaction thereby, in his compliance with the Law in theſe Impoſitions.*

By the way again, from this *place* it is very likely the *Oxford Convocation* might gather the *Propoſition* before cited out of this ſaid Book; but if ſo, I muſt

anſwer, Unleſs they are of the Opinion, that though a man refuſe an Oath without admittance to take it with Limitation, and then does declare his Limitations, and ſo is admitted to it, he is yet obliged to perform it being taken, in the full ſenſe of the Impoſer, notwithſtanding thoſe Limitations, there is no difference between *them* and the *Sheriffs Caſe* in this matter. But if that indeed be their Opinion; let them ſpeak it out, and make this the condemned Propoſition. *An Oath taken with a declared Limitation to the ſenſe of the Impoſer, does oblige no farther than he hath declared beforehand, that he will be bound when he took it.* This Propoſition I own in the behalf of the *Sheriffs Caſe*; if they condemn it, I crave from them ſome illumination. That an Oath in general muſt be taken in the ſenſe of the Impoſer, we agree, and that a man that takes it, and ſays nothing, is obliged to the full ſenſe thereof ſo taken: But if a man declares his Limitations, I ſuppoſe that *Inſtance* alone of the Oath between *Rahab* and the *Spies*, does make the matter good on my ſide beyond diſputation. But ſure the Univerſity of *Oxford* can never differ with me in this, and conſequently there is ſome miſtake here about this Book. The *Sheriffs Caſe I* ſpeak of was firſt Printed 1680. and Reprinted 1681. in one Sheet, and then again Printed the third time with the Addition of the two Papers more making four.

four Sheets and a half in all for the year 1682. and entituled, *The Case of the Sheriffs, or third years Paper in regard to the Act for Corporations, being the Case also of the Dissenting Ministers in regard to the Act at* Oxford. Whether this Paper (or Book) be the *Sheriffs Case* condemned and burnt by the *Convocation*, *I* must take liberty to question. *I* do acknowledge my self to be a *Son* of that *University*, and *I* ought not to think unmannerly of my *Mother*. *I* ought not to think so many not only of *Persons*, but *Ranks* of judicious persons could be so *overly* (nay so directly *out*) in any censure. And why should they *condemn a Book* that was never like to hurt any of them? Why should they really *burn a Book* that could never have been writ for the nonce by any one of themselves so much to serve them? Why should they *Martyr an Innocent Book* (let me say yet, seeing so many think it *this*) which hath certainly offered more toward *Justifying the Conformist* (*I* pray God it may not hinder any one man from a due sense of his sin, who either went against his Conscience, or knew not what he did when he Conformed), and *helping the Dissenters to Conform*, than all the Books that were writ on their own side (which generally have waved these Political Points, where lay our chief scruples) since the *Act* of *Uniformity*? *I* ought not above all, to think them of such a manner of spi-

rit at *Univerſity*, as if they did hate us for *coming in*, and yet hate us for being *Nonconformiſts*.

If any perſiſt that this indeed is the Book which they meant and condemn'd, *I* muſt not then leave that matter yet without ſome farther diſcuſſion. The *Univerſity* have charged the *Sheriffs Caſe* for aſſerting that an Oath *obliges not in the ſenſe of the Impoſer, but the Takers*: The Sheriffs Caſe ſays expreſly, *An Oath muſt be taken in the ſenſe of the Impoſer*, and builds upon it. There are two queſtions therefore to be made of this. One, *In what ſenſe muſt an Oath be taken?* The other, *In what ſenſe does it oblige being taken?* If theſe be not made *two*, the *Univerſity* will be guilty of Slander, and belying the *Sheriffs Caſe*, which is a thing not to be imagined: But theſe being diſtinguiſhed, it appears ſtraight that the *Univerſity* and *Sheriffs Caſe* agree thus far, (as was ſaid even now) that an Oath muſt be taken in the ſenſe of thoſe that Impoſe it, and when it is ſo taken, it obliges accordingly. The difficulty ariſes only when the *Impoſers* ſenſe and *Takers* do differ, and there are two Caſes herein to be propoſed, for there are no *General Rules* ordinarily without their *Exceptions*. One is the Caſe of *Miſtake*, when a man does honeſtly take an Oath in that ſenſe which he believes in his Conſcience to be the very ſenſe of the *Impoſer*, but he comes after his taking it to underſtand the ſenſe

to

to be ſuch as he *could* not, and *would* not have taken it, if he had underſtood the ſame before: The queſtion then is, Whether his Oath now obliges him to the performance in that ſenſe which *really* is the *Impoſers*, or that which he *underſtood* to be *theirs* when he took it, and elſe had not taken it. If the *Univerſity* does hold that an Oath binds in the ſenſe of the Impoſer *univerſally* even in this caſe of *Miſtake*, and all others without diſcrimination, I deſire the Judicious to ponder well of it, whether that be a *mature* Determination. The other Caſe is, when a man is not miſtaken, but diſtinguiſhes the ſenſe of an Oath beforehand, and *declares* the ſenſe in which he takes it, *excepting* againſt that ſenſe wherein he *cannot* take it: The queſtion then ſtill ariſes, Whether the Univerſity do hold the man is obliged to the Impoſers ſenſe, notwithſtanding his Predeclaration; and if they do, I muſt leave it again to the better adviſed to conſider, whether this be a *mature*, or *raſh* Determination. If they determine the Point *otherwiſe*, how could they condemn the *Propoſition* they have condemned, without explanation or exception? In ſhort, unleſs it be another Book they mean, they have *collected* their Propoſition out of the *Sheriffs Caſe* very *untowardly*, and they have as *overly condemned it* when they have ſo done.

To paſs on; It is propoſed farther in that Sheriffs

riffs Caſe, that a man ſhould moreover write down his ſenſe or limitations, and give in his *Writing* (or that *Caſe* it ſelf, ſuppoſing it ſpeaks his full mind for him) to the *Juſtices*, together with his declaring thoſe Limitations, which if he does *in abundantiorem cautelam*, he is like to be ſtill the better ſatisfied: Yet if he does not, *ſo long as in words, or writing, a man does but declare as openly as he ſwears* (that it may be as much known,) *that he takes the Oath but in ſuch or ſuch a lawful ſenſe* (See the Quotation in the Margin of the *Caſe*), this is the main there intended.

There are two ways then for my ſelf here to take, to eſtabliſh me in my Reſolution. One is, if I can convince my Soul beyond doubt that the meaning of the *Law-giver* was no more than I propoſe in my *Explanations*: And the other is, if any doubt yet remains, to heal it with the prepared Remedy.

For the two firſt Clauſes of the *Subſcription*, they are all one (it is plain) with the two firſt Clauſes in the *Oath*, and it is really ſomething eaſier, in my mind, to *ſubſcribe* to the ſame things in a *Declaration*, than to *ſwear* to them in an Oath. The Contents of both Clauſes comes but to this, That it is unlawful to take Arms againſt the *King*, or againſt his *Authority*, when both are certainly to be held *inviolable*. To *take Arms* in the *firſt* Clauſe muſt be conſtrued

Raiſing

Raiſing War or *Forces*, becauſe it is meant ſo on neceſſity in the *ſecond* Clauſe. Nothing leſs can be underſtood by it againſt the *Commiſsionated*. The *Commiſsionated* are ſuch as have the *Kings Authority*. The Authority of the King in this Realm is *Royal*, not *Lordly*, that is, *a Right to Govern according to Law*. Theſe perſons conſequently who *have* not, or *purſue* not their *Commiſsions* according to *Law*, are not *Commiſsionated*, that is, *have* not, or *exerciſe* not *his Authority*. When this little Interpretation only is made, there are no Objections to be invented, but they may hereby receive a Solution. See the Margin of the *firſt* Sheet of that *Caſe*. And that this is the true ſenſe of the Law-giver, let the *Second* and *Third* Sheets of the ſame be conſulted.

I am not indeed ignorant of the many and hard Caſes which are, and may be raiſed here by way of Objection, and which do require therefore that I ſhould ſpeak a little fuller, though I am elſe unwilling, and this alone is as much as can be well born. The Learned and Acute Biſhop of *Winton*, who like another *Caleb* in Divinity, does write after *Fourſcore* as if he were but *Forty*, (whether his Pen be for *Fight* or *Government*, for Polemicks or Politicks) in his late Book againſt Mr. *Baxter* ſticks not to aſſert, that *the Legiſlative Power* in this Realm *does lie ſolely in the King*, and yet doth make no doubt to tell

us

us for all that, with others, that the Government is *not Deſpotical but Political*, that is, as I call it, *Regal*; which is thus explained by *Bracton*, *Non eſt Rex, ubi Voluntas imperat, non Lex.* As the *Apoſtle* therefore ſpeaks of his own Authority which was *Spiritual*, that he had none for *Deſtruction*, but for *Edification*, and that he could *ſay nothing againſt the Truth, but for the Truth*: So may we ſay of the Power of the *King*, which is *Temporal*, it is a Power *according to Law*, and *for* the Law, not *againſt* the Law. The *King*, and the Kings *Officers can do nothing againſt the Law, but for it.*

Put the Caſe then that a Prince ſhould go about to *Deſtroy* his whole People, which is a Caſe put by *Grotius* from *Barclay*, as inconſiſtent with *Ruling* them, and the Biſhop forementioned anſwers, this is not to be ſuppoſed of any man but a *Mad-man.* But ſuppoſe it replied, what if a Prince were a Mad-man, or ſo mad, or ſavage as the *Spaniard*, who, when they had Conquered *Mexico*, *Hiſpaniola*, and thoſe places, butcher'd ſo many thouſands of them, worrying them like Beaſts with Dogs? What if a Prince were of the *Spirit* of the *Duke of Alva*, of *Charles* the *Fifth*, of the *Iriſh*, unto whom a hundred thouſand *Hereticks* were but a *Breakfaſt*, and he could then *Dine* preſently with another hundred thouſand of the ſame? Suppoſe a Prince that would *alienate* his

his Kingdom, as King *John*, That would bring in the *Turks* upon them, or ſell them for Slaves to a Forein Tyrant? What if a Prince would raiſe an Army out of *one* of his Dominions that were *Papiſts*, and bring it into *another* of them that are *Proteſtants*, and ſwear that unleſs they will turn their Religion (that is, yield to be damn'd), he will burn them all, or exterminate them, according to the *Lateran* Council; yea, though the ſaid Religion were by Law Eſtabliſh'd? Theſe are Caſes may be ſuppoſed; Not that I imagine any ſuch in good earneſt ever like to be. God forbid! I am not a man of that complexion: but to the end I may make the moſt of the Objection (for I had as good elſe even quite ſay nothing), I do anatomize the Scruples of my Brethren, laying them naked before all men of equal Judgment, who may conſider whether they are *with*, or *without* Reaſon, and ſearching the wound to the quick, I am willing ſo to apply the *Remedy*, as at once to procure both the Adverſaries *Compaſſion*, and our own *Satisfaction*.

Suppoſe then it be demanded whether a *Kingdom* or *whole Nation* have a right by the law of Nature to defend themſelves in theſe Caſes, though *Particular Perſons* have not? I muſt anſwer, that ſuch Caſes as theſe are ſo odious in the naming, as we are not to conceive they came once into the mind

of the *Law-giver* (that is, the *King* and the *Two Houſes*, as one *Corporation*) who impoſed this *Declaration*: and conſequently that they are not to be put, for the ſtumbling ſuch as are to ſubſcribe it: but if they be ſuppoſed and put, that it was the mind of the Impoſers they ſhould be excepted, or excluded by ſuch an Interpretation of the *Commiſſionated*, as is already given.

For, for inſtance but in one Caſe more that is eaſie and obvious: Suppoſe a Prince of our Land ſhould ſend perſons for the Levying Money on the Subject without a Parliament, or Parliament-Tax: I doubt not but the *Conſtables*, *Juſtices*, or *Sheriffs*, might keep the Peace in the name of the *King* againſt theſe men: and that yet we may maintain it unlawful to *take Arms againſt thoſe that are Commiſſionated by him*, becauſe ſuch as theſe (I have ſaid) are not *Commiſſionated*, or ſuch Commiſſions have no *Authority*, and are no Commiſſions. The Conſtitution of our Kingdom is ſuch, as the King can Commiſſion no ſuch thing. And when I have ſaid ſo in regard to this one Caſe which is the *lower*, the ſame Anſwer may be given to thoſe Caſes, which are *higher*, I account beyond diſputation.

The Learned *Arniſæus* writes a Book (I remember) on this Subject, *Non licere ſubditis ulla ex cauſa contra legitimum Principem arma ſumere.* He holds the Poſition

Position indefinitely in the affirmative, yet makes no scruple upon supposition of any such a Case, to put in his Limitations: And why may we not conceive that when a Parliament impos'd upon us such a *Declaration* as this, they did intend we should subscribe it no otherwise but in such a *Determination* as the Learned who have most Loyally written for Monarchy, and against Rebellion, do maintain *such a Position*; that is, *prout prudens definierit*? The *Commissionated* (I say) are such as have the Kings Authority. The Kings Authority is *Political*, and he can *give* no other, but what he *hath* himself, to any. If his Authority then be *for* the *Law*, and he has none *against* it; and if it be against the *King* only, and those *Commissionated* by him, that is, against his *Person*, and his *Authority* only, that we declare it unlawful to take Arms, I see not any thing left in the Objection (let what Cases soever be put) but that this *Declaration* in the *Two first Clauses* of it may be subscribed.

For the *last* Clause, [*And I will Conform to the Lyturgy of the Church of* England *as it is now by Law Established*] let us compare it with the last Clause of the Oath, [*And I will not at any time endeavour any Alteration of Government in Church or State*] and surely methinks a mans heart will begin to beat much rather at his approach to the *taking* the *latter*, than

Subscribing the *former*. But there is one thing instead of all to satisfie. This Subscription is not imposed only on *Ministers*, but on such as *Teach School*, and *Tutors at University*, and it cannot be conceived the meaning of the Law-giver, that *such persons* in subscribing this *Declaration*, should be engaged to *read* Common-Prayer, but to *hear it*, or *go to Church*, or Chappel: Now, while I am a Minister without any Place which requires my reading Common-Prayer, I am to be understood to engage no farther in my *Conforming to the Lyturgy*, than such who are bound to subscribe, and are no Ministers (For if I took a *Living*, I must subscribe this *Declaration* again, which I should not scruple to do in my former Sheets *Explication*, but in my state, that have no place to officiate in, and seek none, I suppose that in the mind of the *Law-giver* I am not yet bound so far): and as for going to Church, it is what I am wont to do, without *Subscription*.

Neither is there any word in this *Subscription* that confines the Subscriber *so* to go to *Church*, as that he may never go to other *Meetings* upon any occasion. It were excessively rigorous to stretch the words so far, and there is not one of a hundred that would rationally gather that this was the *Parliaments* meaning by this *Subscription*. If it were, I declare my Exception.

I muſt moreover ſignifie, that in Subſcribing, *I will Conform to the Lyturgy*, *I* do not oblige my ſelf to every thing whatſoever that is enjoyned in that Book, as *I* do in general to go to Divine Service in the Pariſh Congregation. More particularly, in the Preface before the Prayers it is required of all Miniſters, that they *ſay daily the Morning and Evening Prayer either privately or openly, not being let by ſickneſs, or ſome urgent Cauſe*, and *I* do not apprehend that by *Conforming to the Lyturgy*, it was the Law-givers meaning I ſhould be engaged to this, who do not, and will not engage my ſelf to that which I ſhall never perform, for I ſhall uſe my *own* Prayers at home. Indeed I think that what Miniſter ſoever does make the Declaration of *aſſent and conſent to all and every thing contained in, and preſcribed by that Book*, he muſt be according to the *Law-givers* meaning engaged hereunto, for he does conſent to *all* in regard to the *Uſe*: And I ſhall not lightly therefore ever (I think) make that Declaration, in *thoſe words and no other*.

In fine, if the ſenſe of *this Clauſe* comes to no more in my ſtate than going to Church, and of the *other two* to no more than *I* have delivered, then may *I* very ſafely yield to *this ſubſcription*, and if I am to do *what I can*, both in regard to the *fifth Commandment*, and in regard to the *uniting* and ſtrengthning the

the *Proteſtant intereſt*, and in regard to the *uſe of my Miniſtry* (I charge my brethren by the way to lay theſe three things with me well to heart, for really I ſtick greatly for want of their company) or at leaſt the *freer uſe of it, to preach in publick*, then is it not only *lawful*, but what it ſeems I am *bound* to do. Nevertheleſs becauſe I am not certain, or at leaſt not ſo certainly perſwaded of the mind of the *Law-giver*, as to be in regard to *all particulars* beyond doubt, and becauſe I ſhall be apt to be raiſing ſcruples after, I muſt for the preventing my trouble, and ſecuring my peace, fly to that refuge in regard to this *Declaration*, which is ſet open in regard to the *Oath* in the *Sheriffs Caſe*: And I do therefore make this preſent & publick declaration (I crave pardon for the neceſſary repetition) that *in this meaning*, which I have all along delivered, *ſuppoſing it the meaning of the Law-giver, and with theſe explanatory limitations to the meaning, if in any thing indeed it be otherwiſe*, I do ſubſcribe the *Declaration* required to be ſubſcribed in the *Act for Uniformity*, whenſoever I ſet my hand to the *Biſhops Regiſters* book; whom *I* deſire by theſe preſents with all other any way concerned, to take cognizance of it. And alſo when *I* give my *aſſent* to the 39 *Articles* (if I give it) *I* do *aſſent* with my Firſt ſheets foreprized *explication*.

I know there is no body of a deliberate under-

ſtanding

ſtanding, but he does and muſt make ſome Interpretation of the *Articles* (to ſpeak alſo a little of theſe) in which he conceives them true, or elſe he cannot aſſent to them according to *his Conſcience*, let it be as large as it will, if he hath *any* at all: But *I* muſt profeſs this is not ſatisfactory to *mine* without a declaration alſo of the ſenſe of ſuch of them (which you may ſee in my former ſheets) as *I* do ſcruple. *I* will as honeſtly give my reaſon, and it is, becauſe if I aſſent to the Articles and ſay nothing, my Conſcience tells me *I* muſt *Interpretatively* be thought to aſſent to them in the ſenſe of the *Impoſers*, that is (as *I* have been uſed to think) of the Majority of the *Convocation* that framed and decreed them, and *I* do verily believe *their* ſenſe to be ſuch in ſome of them, as *I* do certainly in my Judgment diſſent from it. *I* might inſtance in the 18th and the 11th Article, but *I* refer to my *Two* firſt *Steps*.

It may be ſaid, it is true it was the *Convocation* decreed the Articles, but it is the *King* that *ratifies* them, and when the ratification is from his authority alone, it is he, is the ſole *Impoſer*. *I* anſwer, this is a notion but newly riſen up in my mind, and if it prove right after due canvaſſing, then muſt we look into the Declaration of the King (whether *James* or *Charles*, or both) which is ſet before the

Articles

Articles, to find out what that *ſenſe* is which is there *ratified*, and we have theſe words. *We will that no man put his own comment to be the meaning of the Article, but ſhall take it in the literal and grammatical ſenſe.*

I muſt ask here in the firſt place, what was the intent of the King when he ſaies he will have no man put his own comment on the Article? Can any man indeed ſubſcribe the Article and not make his own Interpretation? This were not to ſubſcribe with Truth or Judgment; ~~or~~ no, only he muſt not make *his ſenſe to be the meaning*, that is, his private ſenſe to go for the ſole publick Interpretation. There is a latitude manifeſtly underſtood and allowed by the King in this *literal and grammatical ſenſe*, becauſe it is ſuppoſed by him that all the *Clergy* though of different Judgments do ſubſcribe them, and every one pleads them in favour of his own opinion. I muſt ask them next, whether this *literal and grammatical ſenſe* be to be underſtood *with* reference to the *mind* of the *Convocation* that decreed theſe Articles, or *without* any regard to it? All *words* (we know) are nothing but the ſignification of the *mind*, that mind muſt be ſome bodies, and an Article having no mind, but they that paſſed them, I ſhould judge that the literal and grammatical ſenſe of an Article is the meaning or mind of thoſe that decreed it, Interpreted or Underſtood by

by a Literal and Grammatical conſtruction of the words wherein they have expreſſed that mind or meaning: But if the Literal and Grammatical ſenſe which is authorized by the King's Declaration, be underſtood without any ſuch reference, ſo that a man may frame for himſelf any ſenſe he can, ſo long as he makes it hold true in a Literal, Grammatical ſenſe, then muſt I confeſs here a great freedom, eaſe, and kind of deliverance appearing to me for my Aſſenting to ſome of the Articles which have moſt ſtumbled me, becauſe in the ſenſe of thoſe that decreed them I could not do it (I will name particularly the 18th and 36th Article): Nevertheleſs, in regard that there is, or may be, ſome other of theſe Articles as hard to be ſubſcribed in the *Literal and Grammatical ſenſe*, as thoſe two to me foreintimated in the ſenſe of the *Convocation*, I do find my ſelf ſtill conſtrained to keep to my foregoing Declaration. That is, if I take the liberty (I ſay) of an *Explication*, and *Declare* the ſame, the Biſhop and all the World do ſee how I aſſent to them, which is, in a *Doctrinal Interpretation*, and with which I am then methinks well ſatisfied: But if I make no Explication, or if I uſe no words about it, I muſt be conſtrued to aſſent to them in the *Authentick Interpretation*; and whether that be the ſtrict *Literal and Grammatical ſenſe*, authenticated by the

King, or the *ſenſe* in which they were at firſt *decreed* or *paſſed*, it will come all to one, *I* have no way without the courſe *I* take, to eſcape prevarication. This is my Conſcience, and *I* go by it.

To return to the Subſcription, it may be queſtioned, in the end whether it be lawful to *Subſcribe* a *Declaration* or *Swear* an *Oath* with an *Explication*, if it be ſuch as includes any reſtriction or limitation to the ſenſe of the *Impoſer*. For Anſwer therefore to this, *I* do premiſe that if any man *Subſcribe* or *Swear* to an *Impoſition*, without making any Declaration about it, he muſt frame no Interpretation in his mind but that which he believes to be the very meaning of the Law-giver; or elſe he prevaricates, or equivocates (his mind and words being not equal), which is to ſin againſt Truth: But if he does *declare* himſelf before he *Swears* or *Subſcribes*, I take that to be nothing but *fair dealing*, and *another* matter. Only I muſt yet make a difference between a mans *declaring* himſelf *upon Conviction* that the ſenſe of the Impoſer is ill, and ſuch as he cannot Subſcribe but by vertue of that Declaration: And his declaring *upon doubt only*, that is, being perſuaded as to the main, that the ſenſe of the Impoſer is no other but what is good, or what he can Subſcribe, and yet there remains ſome doubt retarding him. In the *one* caſe *I* think there is more reaſon for a man to put the queſtion,

which

which yet I ſhall ſpeak to by and by: When in the *other* I think the *declaring a mans ſelf* is a Salve ſo *proper* to the Malady, and ſo *innocent*, as *I* ſhould be ſorry if any queſtion at all be made of the *Lawfulneſs* of it. For the Truth is, *I* do account the determination of this Caſe in regard to the frequency of it, ſo needful, that if there were nothing elſe in the *Sheriffs Caſe* beſides that, it were fit to be Printed for *its* ſake. This being premiſed, I anſwer directly.

1. If there be any evil in this, it muſt be either in regard to the *Fifth* Commandment, or the *Ninth*. Either becauſe it is againſt our duty of *Obedience* to the Higher Powers, or againſt our *Duty* of *Sincerity* or *Truth*. Here is no ſin againſt Truth and Sincerity, for therefore do I make my *Explication*, that I may not forſake *Truth*, but keep my *Sincerity* in what I do: And here is no ſin of *Diſobedience*, becauſe the Law of *God* ſuperſedes that of *Man*; and when I do *what I can* in regard to the *one*, I muſt do *no more* (and I think *declare* it) by virtue of the *other*.

2. If a Poſition be capable (note *I* ſay capable, not if uncapable) of a *good* ſenſe, and a *bad*, and the bad ſenſe were the ſenſe of the *Impoſer*, and yet *I* ſubſcribe it in the *good* ſenſe with profeſſing my *Exceptions* againſt the *bad*, and that be as well

known, as that I have ſubſcribed, I do not ſin thereby againſt *Truth*, becauſe I ſubſcribe not indeed in this caſe to the *Poſition* of the *Impoſer*, but to *another* which I can ſubſcribe. You may ſay, Here is a Cheat then put upon the *Law*. I anſwer, *no Cheat*, which ſignifies ſomething *diſhoneſt*, but an *honeſt Avoidance* of it, or lawful ſhift (without equivocation, mental reſervation, or Jeſuitical Trick), which all that do not ſubmit to it, do uſe in ſome other way as they can, without ſin. Indeed, if he that is to take my Subſcription, or my Oath, will, after I have made my Declaration, refuſe me upon that account ſaying, *This is not the Oath Impoſed, and I cannot accept it*), he may prevent my paſſing, but if he does not, (and will let me go off with *another*, which ſerves as well, or better), I ſee no evil in it by him or me, ſuppoſing ſtill no detriment to the Publick in the buſineſs. If you ask then how ſhall a *Certificate* be given me that I have *ſubſcribed*, I muſt confeſs, unleſs I may write *According to a Paper delivered in to the Biſhop I ſubſcribe*, and ſo it be certified likewiſe, *According to a Paper delivered in he hath ſubſcribed*, I ſee not how a *Certificate* ſhould be *other* in this caſe.

But 3. I thank God this is not the caſe here in good earneſt, for the *Explication* which I do give

of

of this *Subſcription*, and in which (as reſpecting me) it may be clearly ſubſcribed, is the very ſenſe it ſelf (I ſuppoſe) of the *Law-giver*, inſomuch as *I* think therefore *I ſhould* my ſelf ſcruple no farther, and that another in my ſtead *would* not, and *need* not: Only being conſcious of ſome former wound on my mind, *I* am forced to provide againſt my own infirmity. And the truth is, it is in *this caſe* alone I dare inſiſt ſo much on what *I* do, referring the *other caſe* before to the Judgment of the more aſſured, and to my own farther conſideration: When if an Impoſition (I ſay) be indeed ſuch as that the ſenſe thereof is really doubtful, or I indeed doubt of the Law-givers meaning therein (eſpecially if in my belief I encline more to think the *good* ſenſe *theirs* rather than the *evil*) I cannot apprehend any means more *honeſt*, or ſo *proper*, as ſuch a *Declaration of ones ſelf* mentioned for the keeping a good Conſcience (or rather for ſatisfying the ſame) in what a man does. And now if the Biſhop then herein, and all good men *will*, or *do*, bear with me, I do them no hurt, and they relieve me. *Bear ye one anothers burdens* (ſays the Apoſtle), *and ſo fulfil the Law of Chriſt.*

It remains only, that I go to ſome Biſhop after I have Printed my Paper, and give it him. If when he hath read it, he thinks *my Explanations* (or ſenſe),

ſenſe) agreeable to the *meaning* of the *Law-giver*, he can have nothing to ſay againſt me: if he think otherwiſe, let him chuſe whether he will admit me. I am not to be ſollicitous about his thoughts, ſo long as I have diſcharged my ſelf. He cannot refuſe me in *Law*, and I in *my Conſcience* have my ſatisfaction. Let him but read my Papers, or let me (or his Chaplain) ſignifie the Contents to him, and all is brought to this Period.

Before my going off, that I may underſtand my ſelf, and be underſtood, there are Two things I am to make my Application for, to the Biſhop, or Biſhops; For a *Certificate*; For a *Licence*.

For the *Certificate*, *That* is to be granted of courſe upon my ſubſcribing the Declaration required in the *Uniformity Act*. In order to ſubſcribe it, I made in my former Sheets Two Steps. The *Firſt* was, I deſired liberty to *explain the Declaration, and then to ſet my hand to it in the ſame Paper with my Explication*. This being not granted, and the way of *Subſcribing* (as I am informed) being by the *Regiſters* inſerting that *Declaration* in his *Book*, and the Miniſters putting their Names only to it, my *Second* Step or Requeſt hath been that I may do ſo with the liberty of writing theſe words, *According to a Paper delivered in to the Biſhop, I ſubſcribe*. What hurt it could be to any Biſhop, for me to ſubſcribe thus,

thus, that is, with these words in his Regist ers Book, I am ignorant, either from the *Law*, or from the *Canons*: But because I am apprehensive how apt the Bishops themselves are to suspect it as dangerous, or though *safe*, not to allow it, because *singular*, I am put upon a procedure to a *Third* Step in these second present Sheets, which is, *the capacitating my self against the need of more Condescension than the Law allows, if no other can be had*; and this hath not been altogether unprepared before in my thoughts. It is no sin for a Bishop to read my Sheets, if *I* present them to him, no breach of the Law, or of the Canons. If he do read them, or hath read them, and *I* know that, *I* am free then to seek to be admitted. If he will not read my Paper, or hear the Contents, then will not *I* neither *subscribe*; If he will, or hath, and would not after admit me upon that account, *I* shall acquiesce in his pleasure; but so long as *I* offer to subscribe as others do, he cannot refuse me an Admission, nor a *Certificate*, because the Act of Parliament does require it.

For a *Licence then to Preach*, the matter *I* confess is not altogether the same. *Here* is a *May*, *there* was a *Must*. In the Bishops granting *Licences*, they go ordinarily upon the *Canons*, and the 36th Canon requires Three Points or Articles to be subscribed, with an *Ego libenter & ex animo subscribo*: Upon those

terms

terms *I* ſeek not a Licence, (*I* cannot, *I* never ſhall believe) but upon the *Act for Uniformity*, where we may find theſe words. *And be it further Enacted, That no Perſon ſhall be allowed to Preach*, &c. *unleſs he be Licenſed by the Archbiſhop, or Biſhop, and ſhall in the preſence of the ſame Archbiſhop, or Biſhop, read the 39 Articles of Religion, with a Declaration of his unfeigned Aſſent to the ſame.* By which words it appears that though the *Canons* require *Two* Points more than Aſſenting to the 39 Articles, a Biſhop (at leaſt the Archbiſhop) may juſtifie himſelf by this *Act*, if he require but that *one*, that is, if he give me a Licence only upon my *Reading in his preſence*, and declaring my Aſſent to the 39 *Articles of Religion*. And why am I to *Read* the Articles *in his preſence*, but that it is to be ſuppoſed the mind of the *Law-giver*, that he may examine me thereupon, if he will, whether I underſtand them, or how? And if ſo, I muſt on neceſſity explain my ſelf, and conſequently it is ſo far from being againſt *Law* to accept of my Aſſent *with* an *Explication*, that it ſeems rather the intent of the Law-giver that it ſhould not be taken *without*.

Note moreover, To come for a Licence upon a man's being Beneficed in a Dioceſs is *one* thing, and to ſeek a Licence for Occaſional Sermons is *another*. The Canon does impoſe its Subſcription upon all that have any Living, Lecture, or Preferment in the Church,

Church, but for a liberty to Preach meerly on occasion, without any Publick Emolument, I think no more needs be required than what is made necessary by the *Act* of *Uniformity*.

Let the Canons be consulted, the Bishops will find this true, that if they shall give a License for Preaching to any that have Benefice, *Living* or *Lecture* in their *Dioceſs*, without requiring of him the Canonical Subscription, they are obnoxious to a penalty; but what is it? why such a Bishop shall be suspended for a year from doing so any more, That is in effect all, and how rarely was that penalty it self ever executed upon any? But if he give a Licence only for Occasional Preaching, where a man hath no Dignity, Living, or Lecture in the Dioceſs, let the Order of the Canons be inspected, they will find no penalty inflictable for that. And if there be no penalty to be found in such a case, *quod impunè fieri poteſt*, I must urge, *id licet*; and the *Licet* then appearing, there can be no question remain but upon the *Libet* only.

And now whether the Bishop or Bishops will deal with me, as he may, according only to the *Act*, or will stand with me upon the *Canons*, which he may chuse, the Lord knows. I have reason to doubt. If my Request be granted, it is well; I will say of it as *Lot* said of *Zoar*, *It is a little one*, and my Ministry

 shall

shall live; let them but *read* my Papers, and *admit* me; I ask no more. But if they will not grant it, I have done; for when I have gone so far as *I can*, *I will* not be got to make a Step farther to what *I cannot* for any thing, or any body (through Gods grace) in the world.

I must confess moreover, that I am my self exceeding timerous, and backward to the doing any thing in order to *Ministerial* Conformity, although I am for coming to Church as a *Parishioner*, even more forwards than others; for it hath still been my practice, and I have been engag'd in my Opinion and Books against Separation. My *fears* about doing this are secret and dark, and whether it be *Superstition* only, or *aliquid ἀνωθεν*, some *Impress* from God, it is for ought I see unevitable; so that I am not sure if the Bishops at last would let me, whether *that* will. I do not use here any *colour* (God is my witness), but I speak with a *feeling care* as I would of my *Life*: & I must therefore conclude thus. As on the part of the Bishops, *If they will*; So on my part also, if it be *right*, if it be *meet*, if I be *clear* in my Soul, if *I can* do it.

JOHN HUMFREY.

FINIS.

TRINITY COLLEGE LIBRARY CAMBRIDGE